



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10

1200 Sixth Avenue, Suite 900
Seattle, WA 98101-3140

OFFICE OF
ENVIRONMENTAL CLEANUP

July 22, 2010

SHORT-FORM ACTION MEMORANDUM

SUBJECT: Action Memorandum for an Interim Removal Action at the Riverview Construction Asbestos Site, Orofino, Clearwater County, Idaho

FROM: Earl Liverman, Federal On-Scene Coordinator
Emergency Response Unit *Earl Liverman*

THRU: Chris D. Field, Unit Manager
Emergency Response Unit *Chris D. Field*

TO: Daniel D. Opalski, Director
Office of Environmental Cleanup

I. PURPOSE

The purpose of this Action Memorandum is to request and document approval of the selected interim removal action described herein for the Riverview Construction Asbestos Site (Site) located in Orofino, Clearwater County, Idaho. The proposed interim time-critical removal action is expected to be conducted by the potentially responsible parties (PRPs) in accordance with the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) with oversight by the U.S. Environmental Protection Agency (EPA).

II. SITE CONDITIONS AND BACKGROUND

A. Site Description

Site Name: Riverview Construction Asbestos Site

Superfund Site ID: 10JG

NRC Case Number: N/A

CERCLIS Number: IDN001002878

Site Location: 12976 US Highway 12, Orofino, Clearwater County, ID
83544 (Parcel RPA 004550000050A)

Latitude/longitude: 46°29'55.56"N; 116°19'04.20"W

Potentially Responsible Parties: Owyhee Construction Inc. (b) (6)
(b) (6) and Riverside Construction Co. (b) (6) and
(b) (6)

NPL Status: Site is not listed nor proposed for listing on the NPL

Removal Start Date: 4th Qtr, FY 10

B. Site Background

1. Removal Site Evaluation

2010 Complaint

In May 2010, a complaint was received by the EPA regarding the illegal disposal of asbestos cement pipe (ACP). The complainant alleged that in 2009, the Riverside Water and Sewer District (District) in the City of Orofino awarded a contract to Owyhee Construction, Inc. (Owyhee) for the construction of waterline improvements for the District, and that Owyhee placed excavated soil containing ACP as fill material on a vacant lot in the City.

2010 EPA Site Visits

In response to the foregoing complaint, EPA On-Scene Coordinator (OSC) Earl Liverman met with the complainant at the vacant lot on 25 June 2010. OSC Liverman observed many scattered pieces of suspected ACP laying on the ground surface. The sizes ranged from 2 to 3 inches in length and width to greater than 6 inches in length and 3 to 4 inches in width. All ACP pieces appeared weathered, the edges were crumbled, and potential asbestos fibers were observed at the edges.

On behalf of Riverview Construction, (b) (6) Partner, granted OSC Liverman entry and access to the Site on 28 June 2010. OSC Liverman returned to the Site on 29 June 2010 and collected three random grab samples of suspected ACP. The samples were analyzed using Polarized Light Microscopy (PLM) analysis to determine asbestiform variety and percent concentration. The data showed asbestos concentrations of 8%, 9%, and 9% chrysotile mineral fibers.

OSC Liverman, along with two EPA Special Agents, returned to the Site on 6 July 2010 and collected one additional random grab sample. The sample was analyzed using X-ray diffraction. The results have not yet been received.

2. Physical location and Site characteristics

The Site consists of 4.39 acres. An estimated 15,000 to 25,000 cubic yards of excavated soil comingled with ACP was placed on an estimated 2 to 3 acres. The ACP is likely found throughout the fill material based on the complainant's description of how the excavated soil was placed and spread on the lot.

Access to the vacant lot is unrestricted. The lot is located in a mixed residential and commercial neighborhood. Single family residences and a senior citizens complex (Riverside Apartments), along with commercial businesses (King's Discount Store and Harvest Foods grocery store) and a federal government office building (USFS Clearwater National Forest Supervisor's Office) are located nearby.

3. Release or threatened release into the environment of a hazardous substance, pollutant, or contaminant

The contaminant of concern – asbestos- is a hazardous substance, contaminant, or pollutant as defined by sections 101(14) and 101(33) of CERCLA, as amended, 42 U.S.C. section 9601(14) and (33).

III. THREATS TO PUBLIC HEALTH, WELFARE, OR THE ENVIRONMENT

A. Nature of Actual or Threatened Release of Hazardous Substances, Pollutants, or Contaminants

The current conditions at this Site meet the following factors which indicate that the Site is a threat to the public health or welfare or the environment, and a removal action is appropriate under § 300.415(b)(2) of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP).

B. Applicable factors which were considered in determining the appropriateness of a removal action

1. Exposure to nearby human populations, animals, or the food chain from hazardous substances, pollutants or contaminants (300.415[b][2][i])

The elevated concentrations of asbestos found at the Site indicate that the inhalation exposure pathway exists. Single family residences and a senior citizens facility, along with commercial businesses and a federal government office building are nearby.

Exposure to airborne friable asbestos may result in a potential health risk because persons breathing the air may breathe in asbestos fibers. Continued exposure can increase the amount of fibers that remain in the lungs. Fibers embedded in lung tissue over time may cause serious lung diseases, including asbestosis, lung cancer, or mesothelioma.

2. High levels of hazardous substances or pollutants or contaminants in soils largely at or near the surface that may migrate (300.415[b][2][iv])

The analytical PLM results show that ACP is present on the ground at the Site. There are several pathways by which the asbestos fibers can become entrained in air leading to inhalation exposures. For example, fibers can enter the air from the wearing down of the ACP found on-site. With time and exposure to damaging forces (e.g., mechanical forces, weather, etc.), the ACP may become further crumbled, pulverized or reduced to powder, thereby releasing asbestos fibers, or may deteriorate to the extent that they may release asbestos fibers if disturbed.

3. Minimization or elimination of the effects of weather conditions that may cause hazardous substances, pollutants or contaminants to migrate or to be released (300.415[b][2][v])

ACP is present on the ground at the Site. Asbestos fibers can enter the air from the wearing down of the ACP. Wind, particularly in dry summer months, can lead to the migration of small asbestos fibers, and fiber-containing particles may remain suspended in the air for a long time and be carried long distances by wind before settling.

IV. Endangerment Determination under CERCLA Section 104: Pollutant or Contaminants

This section is not applicable because the removal action was not driven by a need to respond to known pollutants or contaminants.

V. Selected Removal Action and Estimated Costs

A. Situation and Removal Activities to Date

1. Current Situation

Persons may be exposed to asbestos fibers because ACP remains on-site and access to the Site is unrestricted. The ACP is damaged and susceptible to the wearing down effects of weather which can lead to the migration of asbestos fibers.

2. Removal activities to date

There has been no government or private cleanup actions taken to date.

3. Enforcement

See attached confidential enforcement addendum.

B. Planned Removal Actions

1. Proposed action description

The PRPs will construct temporary fencing (e.g., chain link security fencing or T-post metal fencing) to restrict access to those areas of the Site where ACP was placed as fill, and will install appropriate signage (e.g., "No Trespassing") on the fencing. The PRPs will also apply a dust control agent to the ground surface in the fenced in area to control for fugitive dust.

Both the temporary fencing and the dust control agent must remain protective of human health and welfare pending EPA's determination of the final cleanup action. The final

cleanup action is expected to be determined within 60 to 90 days of approval of the selected interim removal action described herein.

2. Contribution to remedial performance

The proposed response action is an interim action to control access and to control for fugitive dust. A follow-on removal action is anticipated to be negotiated with the PRPs. The proposed interim action will not impede any future removal action based upon available information.

3. Applicable or Relevant and Appropriate Requirements (ARARs)

Removal actions conducted under CERCLA are required to attain ARARs to the extent practicable. In determining whether compliance with ARARs is practicable, the OSC may consider appropriate factors, including the urgency of the situation and the scope of the removal action to be conducted.

There are no ARARs determined to be practicable for the interim response action.

4. Project Schedule

The proposed interim removal action must be constructed within fourteen (14) days of approval of this Action Memorandum.

C. Estimated Costs

Costs for conducting the interim removal action described herein are expected to be paid by the PRPs. The estimated costs for the interim removal action are \pm \$5,000, and the estimated costs for EPA oversight are less than \$1,000¹.

If the PRPs are unable or unwilling to conduct the proposed interim removal action, the projected EPA costs to conduct the action are \pm \$10,000.

VI. Expected Change in the Situation Should Action Be Delayed or Not Taken

A delay in action or no action at this Site would increase the actual or potential threats to the public health or welfare and/or the environment associated with exposure to asbestos fibers.

VII. Outstanding Policy Issues

None.

¹ Liable parties may be held financially responsible for costs incurred by the EPA as set forth in Section 107 of CERCLA.

VIII. Approvals

This decision document represents the selected interim removal action for this Site, developed in accordance with CERCLA, as amended, and is not inconsistent with the NCP. This decision is based on the administrative record for the Site.

Conditions at the Site meet the NCP section 300.415(b) criteria for a removal action and, through this document, I am approving the proposed interim removal action. Costs for conducting the removal action are expected to be paid by the PRPs. EPA may pursue cost recovery from the PRPs for other costs incurred by EPA prior to conduct of the removal action as set forth in Section 107 of CERCLA.



Earl Liverman, Federal On-Scene Coordinator
Emergency Response Unit

7/22/10

Date

IX. Endangerment Determination under CERCLA Section 106: Hazardous Substances

Actual or threatened releases of hazardous substances from this Site, if not addressed by implementing the removal action selected in this Action Memorandum, may present an imminent and substantial endangerment to public health, or welfare, or the environment.



Chris D. Field, Unit Manager
Emergency Response Unit

7/22/10

Date